IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36873 of 2008

1. DAROGA YADAV,
Son of Bachhu Yadav
2. RAMADHAR YADAV,
3. BIRENDRA YADAV,
Both sons of Jamadar Yadav
4. NAGENDRA YADAV,
Son of Dhawlar Yadav
All resident of Village Khairtiya,
P.S. Kochaikot, Distt. Gopalganj
----------Petitioners

Versus

STATE OF BIHAR
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2. 21.11.2008 Mr. Dhananjay Kumar, learned counsel for the petitioners submits that during the pendency of this application, petitioners no.1 Daroga Yadav and petitioner no.3 Birendra Yadav have been arrested and as such this application as against them has become infructuous.

Accordingly, this application as against petitioners no.1 and 3 is dismissed as infructuous.

Heard the learned counsel for the petitioners and the State.

The petitioners no.2 and 4 are apprehending their arrest in connection with Hajipur SC/ST P.S. Case No.156/2008 for the alleged offences registered under sections 341, 323, 504 and 379/34 of the Indian Penal Code and section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

It is submitted on behalf of petitioners no.2 and 4 that the only allegation against them are to the effect that they have addressed the informant of being caste "*Gond*", which is a lower caste and have used filthy words and they also assaulted the informant by fists. It is further submitted that the occurrence has not taken place in

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public view and as such no offence is made out against the aforesaid provisions of the S.C. & S.T. Act.

The learned APP appearing for the State is not in a position to refute the submissions.

In the facts and circumstances of the case, let petitioner no.2 Ramadhar Yadav and petitioner no.4 Nagendra Yadav, in the event of their arrest or surrender in connection with Hajipur S.C./S.T. P.S. Case No.156/2008 within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**